

John D. Stephanides and Vassilia Touris, executors of the estate of Sotirios A. Touris, trading under the name of S. A. Touris, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on May 29, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Purissimo Olio Di Bitonto-Bari," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Iodin number-----110

Halphen test for cottonseed oil: Strongly positive.

The product consists of cottonseed oil flavored with olive oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Purissimo Olio Di Bitonto-Bari," and "We guarantee this Olive Oil to be absolutely Pure under Chemical Analysis, and of Finest Quality," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, and that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, a product produced and manufactured in the United States of America; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured in the kingdom of Italy; and for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil.

On January 8, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6839. Adulteration and misbranding of olive oil. U. S. * * * v. Gaetano Garra and Sebastian Trusso (Garra & Trusso). Pleas of guilty. Fine, \$100. (F. & D. No. 9343. I. S. Nos. 1230-p, 1361-1362-p, 1365-p, 1368-p, 1371-1373-p, 2009-p, 2681-p, 3870-p, 4028-p, 4030-p, 4067-p, 6578-6579-p.)

On July 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gaetano Garra and Sebastian Trusso, copartners, trading as Garra & Trusso, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on May 8, 1917, November 10, 1917, November 12, 1917, January 18, 1918, January 27, 1918, and January 28, 1918, from the State of New York into the State of Connecticut, and on November 16, 1917, January 8, 1918, January 26, 1918, and February 11, 1918, from the State of New York

into the State of Rhode Island, and on March 8, 1918, and April 12, 1918, from the State of New York into the State of Maryland, of quantities of olive oil which was adulterated and misbranded.

The articles were labeled in part, "Pure Extra Fine Olive Oil, Imported from Lucca, Tuscany, Italy, * * * for Medicinal and Table Uses," with an equivalent statement in Italian, and "Finest Quality Olive Oil Extra Pure Termini Imerese Italy Sicilia-Italia." One of the shipments was unlabeled but was invoiced as olive oil.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to consist of cottonseed oil, to be short measure, and, in case of that labeled for medicinal and table uses, not to comply with the United States Pharmacopoeia.

Adulteration of the article in certain of the shipments was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Adulteration of the article labeled for medicinal and table uses, in certain other of the shipments, was alleged for the reason aforesaid and in substance for the further reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia, official at the time of investigation of the article, in that said Pharmacopoeia provides that olive oil is a fixed oil obtained from *Olea Europæa*, whereas said article was composed in large part of oil obtained from cotton seed and the standard of the strength, quality, and purity of the article was not stated upon the container thereof.

Misbranding of the article in certain of the shipments was alleged in substance for the reason that the different statements, to wit, "Pure Extra Fine Olive Oil," "Imported from Lucca-Tuscany-Italy," "Italian Product Extra Sublime Olive Oil," "We Guarantee this Olive Oil to be Absolutely Pure," "Prodotto Italiano Olio Extra Sublime di Oliva Garantito Puro," "Olio di Oliva Extra Fino," "Importato da Lucca-Toscana-Italia," and "One Full Gallon," or "Full Half Gallon," or "Full Quart," or "One Quart," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the province of Tuscany, in the kingdom of Italy, and that each of said cans contained one full gallon or full half gallon or full quart or one quart of the article, whereas, in truth and in fact, it was not olive oil but was a mixture composed in part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Lucca, in the province of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one full gallon or full half gallon or one full quart or one quart of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced, in whole or in part, in the United States of America and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that by the statements on the label it purported to be a foreign product, when not so. Misbranding of the article was alleged for

the further reason that it was food in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the article in certain other shipments was alleged in substance for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure [of] Termini Imerese [Italy] Sicilia-Italia Guaranteed Absolutely Pure," and "One Gallon Net," or " $\frac{1}{2}$ Gallon Net," or " $\frac{1}{4}$ Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or $\frac{1}{2}$ gallon, or $\frac{1}{4}$ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or $\frac{1}{2}$ gallon, or $\frac{1}{4}$ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one gallon, or $\frac{1}{2}$ gallon, or $\frac{1}{4}$ gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia Guaranteed Absolutely Pure," borne on the cans, purported that the article was a foreign product, whereas, in truth and in fact, it was not, but was a domestic product. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the article in one of the shipments was alleged for the reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

On August 27, 1919, the defendants entered pleas of guilty to the information and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

GS40. Adulteration and misbranding of Temperine and Cream Ale. U. S. * * * v. Herman Friedman and Joe Laevison (A. M. Laevison & Co.). Plea of guilty. Fine, \$500 and costs. (F. & D. No. 8493. I. S. Nos. 12226-m, 12253-12254-m, 11979-11980-m, 20107-m.)

On April 10, 1918, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Friedman and Joe Laevison, trading as A. M. Laevison & Co., Paducah, Ky., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 9, 1917, January 10, 1917, January 26, 1917, and January 31, 1917, from the State of Kentucky into the State of Illinois, of quantities of an article, labeled in part "Temperine The Great Temper-